

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
Eastern Division**

BURKE AUTOMOTIVE GROUP, INC. d/b/a )  
NAPERVILLE CHRYSLER DODGE JEEP )  
RAM, ) Case No.: 1:24-cv-12263  
) )  
Plaintiff, ) Honorable Elaine E. Bucklo  
) )  
v. )  
) )  
FCA US, LLC d/b/a STELLANTIS NORTH )  
AMERICA, )  
) )  
Defendant. )

**DEFENDANT FCA US, LLC'S MOTION TO DISMISS COMPLAINT OF BURKE  
AUTOMOTIVE GROUP, INC. d/b/a NAPERVILLE CHRYSLER DODGE JEEP RAM**

Defendant FCA US, LLC d/b/a STELLANTIS NORTH AMERICA (“FCA”), by and through its undersigned counsel, respectfully moves this Court to dismiss the Complaint (Dkt. No. 1) filed by Burke Automotive Group, Inc. d/b/a Naperville Chrysler Dodge Jeep Ram (“Burke”) with prejudice pursuant to [Rule 12\(b\)\(6\) of the Federal Rules of Civil Procedure](#). *See also Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

This Motion is based on the accompanying Notice of Motion and Memorandum of Law, on grounds that Burke’s claim under the Automobile Dealers’ Day in Court Act (“ADDCA”) fails because Burke alleges no coercion or intimidation—essential elements of an ADDCA claim (Count I); Burke’s claims under the Illinois Motor Vehicle Franchise Act (“IMVFA”) are unsupported by specific factual allegations (Counts II-VIII); Burke’s contract claim lacks any factual support showing a plausible breach of the Dealer Agreements (Count IX); and its separate claim for breach of the implied covenant of good faith and fair dealing is duplicative and legally untenable under Illinois law (Count X).

For these reasons, FCA respectfully requests that this Court grant its Motion to Dismiss with prejudice.

Dated: January 21, 2025

Respectfully submitted,

/s/ Mark T. Clouatre

Mark T. Clouatre (admitted *pro hac vice* )  
Scott C. Armstrong (admitted *pro hac vice* )  
Nelson Mullins Riley & Scarborough LLP  
1400 Wewatta Street, Suite 500  
Denver, CO 80202  
Telephone: (303) 583-9900  
Facsimile: (303) 583-9999  
Email: [mark.clouatre@nelsonmullins.com](mailto:mark.clouatre@nelsonmullins.com)  
Email: [scott.armstrong@nelsonmullins.com](mailto:scott.armstrong@nelsonmullins.com)

Lina Ragep Powell  
Nelson Mullins Riley & Scarborough LLP  
123 N. Wacker Drive, 21<sup>st</sup> Floor  
Chicago, IL 60606  
Telephone: (312) 376-1003  
Facsimile: (312) 264-9491  
Email: [lina.powell@nelsonmullins.com](mailto:lina.powell@nelsonmullins.com)

*Attorneys for FCA US, LLC d/b/a STELLANTIS  
NORTH AMERICA*

**CERTIFICATION OF SERVICE**

I hereby certify that on this 21st day of January, 2025, I electronically filed **DEFENDANT FCA US, LLC'S MOTION TO DISMISS COMPLAINT OF BURKE AUTOMOTIVE GROUP, INC. d/b/a NAPERVILLE CHRYSLER DODGE JEEP RAM** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

s/ Mark T. Clouatre